

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARIO B. LONG, SR.,

Plaintiff,

vs.

CATHERINE HOAG, et al.,

Defendants.

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Case No. 4:24-cv-01228 JAR

MEMORANDUM AND ORDER

This matter is before the Court on the Application of self-represented plaintiff Mario B. Long, at Beckley Federal Correctional Institution in Beaver West Virginia, to commence this civil action without prepayment of the required filing fee. [ECF No. 3]. Having reviewed the Application and inmate account statement, the Court will grant the Application and assess an initial partial filing fee of \$28.00. *See* 28 U.S.C. § 1915(b)(1).

Plaintiff shall pay the initial partial filing fee within (45) forty-five days of this Order. Failure to do so will result in the dismissal of this action without further notice. *See In re Smith*, 114 F.3d 1247, 1251 (D.C. Cir. 1997) (noting that, under the Prison Litigation Reform Act, the failure to pay the initial partial filing fee required by 28 U.S.C. § 1915(b)(1) may result in dismissal of a prisoner's action (citing *Ayo v. Bathey*, 106 F.3d 98, 101 (5th Cir. 1997) (per curiam))); *see also Hutchins v. A.G. Edwards & Sons, Inc.*, 116 F.3d 1256, 1259 (8th Cir. 1997) ("A district court has the power to dismiss a litigant's cause of action when the litigant fails to comply with the court's orders.").

Plaintiff then will be required to make monthly payments in accordance with 28 U.S.C. § 1915(b)(2) until the full \$405 filing fee is paid. *See Ashley v. Dilworth*, 147 F.3d 715, 716 (8th


Cir. 1998) (per curiam) (explaining that prisoner-litigants must “pay filing fees in full, with the only issue being whether the inmate pays the entire filing fee at the initiation of the proceeding or in installments over a period of time”).

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis [ECF No. 3] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff must pay an initial partial filing fee of \$28.00 within forty-five (45) days of the date of this Order. Plaintiff shall make his remittance payable to “Clerk, United States District Court,” and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) the statement that the remittance is for an original proceeding.

Dated this 25th day of October, 2024.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE